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1984 Summary of Legislation

Affecting Municipalities

Enacted at the Fourth Session of the Thirty-Second
Legislature of the Province of Ontario.



Ministry of
Municipal Affairs
and Housing

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MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING
ONTARIO

This summary has two functions. First, certain Public Acts or parts thereof considered to be of particular interest to municipalities and which are included in the Ministry's publication, Legislation for Ontario Municipalities are summarized. This summary is prepared for the purpose of convenience only, so any detailed review should be made by direct reference to the Statutes of Ontario, 1984.


Secondly, it identifies amendments to those other Public Acts that also form part of the publication Legislation for Ontario Municipalities, in addition to those summarized. Any new Public Acts which are enacted and which should be included in the publication are also identified. This updating feature is found in the final pages of this booklet.



4TH SESSION, 32ND LEGISLATURE, 1984

TABLE OF CONTENTS

<u>Chapter No.</u>		<u>Bill No.</u>	<u>Page No.</u>
21	<u>Highway Traffic Amendment Act, 1984</u>	45	1
45	<u>Municipal Payments in Lieu of Taxes Statute Law Amendment Act, 1984</u>	58	2
23	<u>Ontario Unconditional Grants Amendment Act, 1984</u>	59	3
32	<u>Land Registration Reform Act, 1984</u>	66	4
28	<u>Assessment Amendment Act, 1984</u>	71	6
56	<u>Theatres Amendment Act, 1984</u>	82	7
57	<u>Public Libraries Act, 1984</u>	93	8
58	<u>Workers' Compensation Amendment Act, 1984</u>	101	12
48	<u>Municipal Tax Sales Act, 1984</u>	102	13
60	<u>Education Amendment Act, 1984</u>	119	18
52	<u>Ontario Unconditional Grants Amendment Act, 1984</u>	135	19



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HIGHWAY TRAFFIC AMENDMENT ACT, 1984

BILL 45

Royal Assent, June 13, S.O. 1984, Chapter 21

Commencement: Royal Assent except,

S.3(1-2), 4, 9-18: Proclamation

S.21: January 1, 1985

1. **Municipal By-laws:** Section 120 is amended by adding subsection (5) to make invalid any municipal by-law that designates a pedestrian crossover on a highway which has a maximum speed limit higher than 60 kilometres per hour.

2. **Blocking Intersections:** Subsections 124a (1), (2), are repealed and replaced so that municipalities may pass by-laws prohibiting drivers or streetcar operators from entering an intersection where there is a green light or arrow, unless the traffic in front is moving sufficiently to allow the driver to pass through the intersection before the light or arrow changes to red. If the driver enters the intersection with intention of turning right or left into an intersecting highway and has shown his intention prior to entering, then the by-law does not apply.

3. **School Crossing Guard:** Subsection 152(1) is repealed and replaced to expand the definition of a school crossing guard to include a person who is employed under contract with the municipality to be a guard.

Additional Amendments not Summarized:

5	115
5(2)	116
Part III 17a	118(1)
18(1b, 1c,), (2b)	119
18(7) (h)	121(7)
26(1, 2)	124
30a(13)	125
clause 74(3) (a)	151
92(6)	173(1)
109(12) (c)	173(5)
part IX - 113a	

MUNICIPAL PAYMENTS IN LIEU OF TAXES STATUTE LAW AMENDMENT

ACT, 1984

BILL 58

Royal Assent, November 27, S.O. 1984, Chapter 45

Commencement: Deemed in force, January 1, 1984

1. **Payments in Lieu:** Section 4 of the Municipal Tax Assistance Act is amended by enacting subsections 4 (9-12) which provide that municipalities will receive payments in lieu of taxes for provincial parks and agricultural research stations.

2. **Provincial Parks:** Section 3 of the Provincial Parks Act is amended by the addition of subsection(7) to provide that any provincial park situated in a municipality shall be deemed to be a part of the municipality for the purposes of the Municipal Tax Assistance Act.

Additional Amendments not Summarized:

Municipal Tax Assistance Act

clause 1(d)

3

5

Niagara Parks Act

14a

St.Clair Parkway Commission Act

14a

St.Lawrence Parks Commission Act

12a

Regional Municipality of Durham Act

97(10)

Regional Municipality of Haldimand-Norfolk Act

79(10)

Regional Municipality of Halton Act

90(10)

Regional Municipality of Hamilton-Wentworth Act

101(10)

Regional Municipality of Ottawa-Carleton Act

121(11)

Regional Municipality of Peel Act

85(10)

Regional Municipality of Sudbury Act
71(11)
Regional Municipality of Waterloo Act
118(11)
District Municipality of Muskoka Act
74(10)
County of Oxford Act
86(10)
County of Haliburton Act, 1982
3(2)(b)
Ministry of Municipal Affairs and Housing
Act, 1981
Schedule
Municipal Act
160(7)
sub-subclause F of subclause 365(1)(j)(ii)
(Municipal Act)
Provincial Parks Municipal Tax Assistance Act
repealed

ONTARIO UNCONDITIONAL GRANTS AMENDMENT ACT, 1984

BILL 59

Royal Assent, June 13, S.O.1984, Chapter 23
Commencement: Deemed in force, January 1, 1984

1. **Household Grants:** Section 2 is repealed and re-enacted to provide for the payment of grants to regional municipalities on a per household basis rather than on a per capita basis. The grant is based on the number of households in the region's area municipalities. The amount of grant may be set by regulation.
2. **Area Municipalities:** Section 2a is repealed and re-enacted to change the payment of per capita grants to grants based on an amount per household, based upon density, in the municipality. The amount of the grant may be changed by regulation.
3. **Area Municipal Law Enforcement:** Section 2b is repealed and re-enacted to alter the payment to municipalities who provide their own law enforcement from a per capita grant to a per household grant.
4. **Lower-Tier Municipalities:** Section 4 is repealed and replaced to provide for the payment of per household grants to lower-tier municipalities other than area municipalities. The grant may be changed by regulation.

5. **Revenue Guarantee Grant:** Section 8a is enacted to permit payment of a revenue guarantee grant where it becomes necessary to stabilize the total grants received under the Act. This does not apply to grants paid to reduce undue increases in taxation or grants made to limit taxation increases or decreases brought about by changing equalization factors or apportionment formulas.

Additional Amendments not Summarized:

clause 1(1) (c)	3
1(1) (da)	clause
clause 1(1) (g)	7(1) (e)
clause 1(1) (k)	8(1), (3), (5)
1(2)	clause 14(1, (e))
	schedule 1

LAND REGISTRATION REFORM ACT, 1984

Bill 66

Royal Assent June 27, S.O. 1984, Chapter 32

**Commencement: s.1-22(25), 22(27)-26 Proclamation
s.22(26) deemed in force, December 1, 1983**

NOTE: A section-by-section review is not undertaken.

A review of certain highlights of the Act follows:

The Act was introduced in order to shorten, simplify and introduce common documents into the land registry and land titles systems. As well, it will provide for the use of automated title recording and property mapping of land in the two systems.

Part I - Under Part I authority is provided for the use of new forms of documents that will be required for the registration of all transactions dealing with land. The forms have been shortened and standardized. Many of the previous forms have been eliminated by the Act.

Part II - Part II permits the operation of computerized registration and searching functions in land registry offices.

Part III - Under this part the Registry Act and the Land Titles Act are amended to provide for the automated title records and property mapping.

1. **Definitions:** Part I contains new terms which replace old ones to bring them up to date and into conformity with the new documents and procedures.

"Transfer" replaces the word "deed" to cover all conveyances of freehold and leasehold lands.

"Document" replaces the term "instrument."

"Charge" replaces "mortgage" to describe charges given to secure payment of monies or the performance of other obligations by means of a charge or lien against the chargor's property.

"Discharge" is used to describe cessations of charges and discharges of mortgages.

2. **Forms:** The Act creates five standard types of documents:

- a. Transfer/deed of land,
- b. Charge/mortgage of land,
- c. Discharge of charge/mortgage,
- d. Document general,
- e. Schedule.

Unless these forms are used no registrations in either the land titles or the registry offices will be allowed.

3. **Parcelization:** The Act requires that where land has been designated under Part II, the land registrar will be required to create property maps for the land. The maps will indicate blocks consisting of one or more properties. Registered documents will be organized accordingly.

4. **Seals:** Subsection 13(1) eliminates the need for seals on transfers, charges and discharges for land under the Act. Lands under the registry system not covered by the Act will still require seals to make effectual conveyances.

ASSESSMENT AMENDMENT ACT, 1984

BILL 71

Royal Assent, June 13, S.O. 1984, Chapter 28

Commencement: Deemed in force, May 16, 1984

1. **Exemptions to Improvements:** Paragraph 22 is added to section 3 to provide exemptions from property taxes for improvements, alterations and additions made after May 15, 1984 to a parcel of land containing an existing residential building where the improvement is used to house persons 65 years and older or the handicapped and where the person would otherwise require institutional care. The owner of the property must apply to the Minister for an exemption. No exemption is allowed where the property is occupied by a person in the business of offering care to handicapped persons or to those 65 years or older.

2. **Property Incorrectly Exempt:** Subsection 32(3) is enacted to provide that where property on the collector's roll is incorrectly listed as exempt and no property taxes have been collected, the assessor must make the necessary assessment changes and the clerk of the municipality shall enter the correction on the collector's roll. The taxes that would have been liable to be collected must be levied. This section does not apply to lands that have been exempted from taxation by any court or assessment tribunal.

3. **Addition to Assessment Roll:** Subsection 63(2) is amended to increase to \$5,000.00 the amount by which an enlargement, alteration, erection or improvement increases the value of the property, before it is added to the assessment roll.

Additional Amendments not Summarized:

2(1)
2(2a)
2(5)
12(2a)
64

THEATRES AMENDMENT ACT, 1984

Bill 82

Royal Assent, December 14, S.O. 1984, Chapter 56

Commencement: Proclamation

1. **Adult Entertainment Establishments:** Section 16 is amended by adding subsection (2) which will permit municipalities to refuse to license adult entertainment parlours or to charge them a licensing fee greater than that allowed under the Act.

2. **Municipal Act Amendment:** Subsections 222(8) and 222(9) of the Municipal Act are amended to allow municipalities to license a theatre where live entertainment is featured, as an adult entertainment parlour.

Additional Amendments not Summarized:

clause 1(a)	35a
1 (ba)	36
clause 1(f), (n)	37
2(3), (4)	38
3	39
4	40
6	42(2)(a)
10	42(2)(b)
11	42(2)(c)
12(1), (2)(a), (2)(b)	47a
12(2)(c)	50
18	51
20(2-5)	52
23	53(1)
25	55(1)
35	62
	63(1)
	Paragraphs
	9,15,16,17,23,24,
	25,28,30

PUBLIC LIBRARIES ACT, 1984
BILL 93
Royal Assent, December 14, S.O. Chapter 57
Commencement: Proclamation

NOTE: A section-by-section review is not undertaken.

A review of certain highlights of the Act follows:

1. The Act provides for substantial changes to the manner in which public, union and county library boards are established and operated.
2. Part I contains the requirements for the operation and the formation of the boards.
3. **Public Libraries:** Section 2 continues the existence of those public libraries that are operating immediately prior to the Act coming into force.
4. **Creation of Public Libraries:** Section 3 provides the council of a municipality with the authority to create, by by-law, a public library. The library is required to be operated by a board.
5. **Union Boards:** Section 4 continues union public libraries that are operating immediately prior to the enactment of this legislation.
6. **Establishment:** Section 5 permits two or more municipalities to enter into an agreement for the establishment of a union public library. The agreement must specify the apportioning of the costs of the library required to be paid by each municipality. Each such library must be operated by a board.
7. **County Libraries:** Section 6 provides that county libraries in operation immediately prior to this Act coming into force are continued.
8. **Creation of County Libraries:** Section 7 permits the formation of county libraries if two-thirds of the municipalities in the county request the county to establish one. The county may then pass a by-law to create a county library.

9. Dissolution of Public Boards: Subsection 7(5) provides that where a county library is created every public library board and county library co-operative is dissolved. The assets and liabilities of the boards vest in the county library unless the establishing by-law of the county library states otherwise.

10. Public Board Representation: Subsection 9(1) provides that every public library board in a municipality having a population less than 100,000 shall be composed of at least five and not more than nine members appointed by the council.

11. School Board Representation: Subsection 9(3) prescribes that a public library in a municipality with a population of 10,000 or more must have school board representation.

- A. Two members must be recommended from the board of education and one member shall be recommended by the separate school board unless,
- B. Separate school electors in the municipality are in the majority in which case the separate school board shall recommend two members for the public library board and one member shall be on the recommendation of the board of education.
- C. Where there is more than one separate school board or more than one board of education then the board with the largest number of electoral supporters shall make the recommendation(s).

12. Union Board Membership: Subsection 9(4) provides that the board shall consist of not less than five and not more than fifteen members appointed by the affected municipalities according to an agreement reached by them.

13. County Library Boards: Subsection 9(5) prescribes that the membership on the board shall be composed of a minimum of seven and not more than fifteen members appointed by the county council.

14. Member Qualifications: Subsection 10(1) sets out the requirements for qualifications of library board members. A person is eligible if he or she is a council member or is at least eighteen years old, is Canadian, satisfies residency requirements and is not employed by the board or by the county, or municipality or in the case of union boards by the affected municipalities.

15. Councillor Limitations: Subsection 10(2) provides that the appointing council shall not appoint more members of council than one less than a majority of the board in the case of public and union boards. In the case of county library or county co-operative boards the council shall not appoint more of its members than a bare majority of the board.

16. Term: Subsection 10(3) provides that the term of office of a board member is concurrent with that of the appointing council, or until a successor is appointed. Board members may be reappointed for more than one term.

17. Vacancies: Section 12 requires the prompt appointment of a person to a board where a vacancy arises. The new member holds office for the unexpired term. If a vacancy occurs with less than 45 days remaining in the unexpired term then no appointments may be made.

18. Disqualification: Section 13 provides for the disqualification of a board member if, among other things, the member is,

- A. convicted of an indictable offence;
- B. becomes incapacitated;
- C. is absent from three consecutive meetings without authorization.

The member's seat is declared vacant by the board and the appointing municipality shall be notified.

19. Chairman: Subsection 14(3) provides that the board shall elect one of its members to be chairman, at the first meeting of each new term of the board.

20. Acting Chairman: Subsection 14(4) provides that the board may appoint one of its members to act as chairman in the chairman's absence.

21. Board's Staff: Subsection 15(1) permits the board to appoint and remove staff as it deems necessary. It may also fix their remuneration and duties as it sees fit.

22. Chief Executive Officer: Subsection 15(2) requires that every board shall appoint a chief executive officer whose duty is to administer the operations of the board.

23. Secretary: Subsection 15(3) provides that every board must appoint a secretary. The secretary may be the chief executive officer.

24. Treasurer: Subsection 15(4) prescribes that every board shall appoint a treasurer.

25. Same Person: Subsection 15(5) provides that the chief executive officer may be the secretary and the treasurer; the secretary and the treasurer may be the same person.

26. Acquiring Land: Section 19 permits boards, in addition to other things, to acquire real property for the addition, alteration or erection of buildings. The board must receive the approval of the appointing council(s) before any acquisition is made.

27. Duties of the Board: Section 20 provides that, among other things, a library board shall operate one or more libraries, make an annual report to the Minister, make provision for insuring the board's real and personal property, and take proper security for the treasurer.

28. County Libraries: Section 21 requires that county boards operate a library in each member local municipality which operated a public library before becoming part of the county library system unless county council and the local council agree otherwise.

29. Board Estimates: Subsection 24(1) requires that county, public and county library co-operative boards submit to the appointing council on an annual basis the estimates of all sums required during the year by the board.

30. Council Authority: Subsection 24(2) provides that the appointing council has authority to approve the estimates or any part of them. Once approved the board must adopt them.

31. Contracting for Library Service: Subsection 29(1) permits municipalities, local service boards, improvement districts and the council of an Indian band to enter into a contract with public library boards, union boards or county boards or with the Ontario Library Service, instead of providing its own library service.

32. Grants: Subsection 30(1) requires the Minister to make a grant to all boards for library purposes.

33. Grants for Contracting: Subsection 30(2) provides that the Minister shall make a grant for library purposes to every local service board, municipality, Indian band and improvement district that has contracted for library services under subsection 29(1).

34. Regional Board Grant: Subsection 30(3) provides that where a regional municipality has established a public library board the Minister is required to make a grant to the board.

35. Indian Band or Local Service Board Grant: Subsection 30(4) requires the Minister to pay a grant to each Indian band or local service board that has established a public library.

WORKERS' COMPENSATION AMENDMENT ACT, 1984

Bill 101

Royal Assent, December 14, S.O. 1984, Chapter 58

Commencement: Proclamation

1. Worker Assisting in Emergency: Subsection 1(2) is repealed and replaced to provide that persons who are assisting in an emergency declared by the head of council or the Premier of Ontario are employees of the municipality or the Crown (for purposes of determining entitlement to compensation for work-related injury).

Additional Amendments not Summarized:

clause 1(1), (b), (ba), (bb), (d), (g),	67(2)
(h), (k), (n), (o), (t), (z)	68(2)
1(1), (xa)	71(2), (3) (g),
1(4)	71(1) (h), (4)
2	71(3) (g, h, i, j)
	72(1)

2a	74(1), (2)(a)
3	74(6)
5	75(1-4)
6(8)	77-79
8(1,9,11,12)	79(2)
9(2)	81(c)
14	82
15	83(1-4)
20-22	86a -86s
33	113
36-45	115
49	121(1)
50	122(9, 11, 12, 16)
52	125(2-3)
55(2)	131-137
56-62	Human Rights
63(3,4)	Code
64	clause 9(b)
65(1,2)	clause 9(b), (v)
66	

MUNICIPAL TAX SALES ACT, 1984

Bill 102

Royal Assent, November 27, S.O. 1984, Chapter 48

Commencement: s.1,17,18,24,25 Royal Assent

s. 2-16, 19-23 January 1, 1985

NOTE: A section-by-section review is not undertaken.

A review of certain highlights the Act follows:

A. The Act repeals the tax sales and tax registration procedures contained in the Municipal Act and the Municipal Affairs Act respectively.

B. The Act establishes one procedure for the collection of real property taxes owing to municipalities through the sale of land. Every municipality in the Province of Ontario requiring such a procedure may make use of this procedure.

C. The procedure should be considered a means of last resort in the collection of tax arrears, after all other methods have failed.

The Procedure:

1. **Starting the Procedure:** Subsection 3(1) provides that where any part of the real property taxes are outstanding on January 1 of the second year following that in which taxes become owing for vacant land and of the third year following that in which taxes become owing for improved land, the treasurer of the municipality may, unless otherwise directed by the council, make and register a tax arrears certificate in the appropriate land registry office.

2. **Sending First Notice:** Section 4 requires the treasurer to send or cause to be sent within 60 days of the registration of the tax arrears certificate, a notice to all interested parties and the owner advising of the registration. Where a notice has been sent to the owner of the land, a separate notice must also be sent to the spouse of the owner.

3. **Treasurer's Statutory Declaration:** Subsection 4(4) provides that the treasurer, after sending a notice to all those eligible for one, must make and register a statutory declaration stating the names, addresses and the nature of each person's interest in the property.

4. **Payment:** Section 5 permits any person to go into the municipal office and pay to the municipality the cancellation price owing on the property. Payment must be received prior to the expiry of a one-year period which commences on the date the tax arrears certificate was registered. If such payment is received the possibility of a sale of the property is averted.

5. **Extension Agreements:** Under section 8 municipalities may enter into agreements with the owner or the spouse of the owner of the land extending the time in which payment must be made. Any agreement must be carried out by by-law passed by the council prior to the expiry of the one-year redemption period. The agreement sets out the terms council wishes to include with regard to the payment of the cancellation price. The agreement, however, cannot reduce the amount of the cancellation price.

The agreement is open to inspection by the public and upon request the treasurer must provide copies. The cost of providing copies is determined in accordance with section 78 of the Municipal Act.

6. **Final Notice:** Subsection 9(1) requires that a final notice be sent by the treasurer should the cancellation price remain unpaid 280 days from the date on which the tax arrears certificate was registered. The notice is sent only to those persons who received the first notice. This final notice warns that the land will be advertised for public sale by the municipality if payment is not received prior to the expiry of the one-year redemption period.

7. **Sale:** Subsection 9(2) sets out that if no payment is received by the municipality within the one-year period or if no extension agreement has been entered into, the municipality must offer the land for public sale.

8. **Method of Sale:** Subsection 9(2) permits the sale of the land to be by either public tender or by public auction, whichever the treasurer chooses.

9. **Minimum Bid or Tender:** Subsection 18(2) allows for regulations establishing that the minimum amount acceptable is the cancellation price. Any amount lower than the cancellation price cannot be accepted by the municipality.

10. **Municipality May Bid or Tender:** Subsection 9(8) provides that a municipality may either bid or tender on land being offered for sale. The municipality must however, have a municipal purpose for the property.

11. **Treasurer Provides Tax Deed:** Subsection 9(3)(a) requires the treasurer, where there is a successful purchaser, to make and register the deed in the name of the person as directed by the purchaser. The deed is final and binding once registered.

12. **Municipality May Receive Title:** Subsection 9(3)(b) provides that where there is no successful purchaser, the municipality may get title to the land if the treasurer registers a notice of vesting in the name of the municipality, in the appropriate land registry office.

13. Distribution of the Sale Proceeds: Section 10 requires that the treasurer pay into the District Court any remaining proceeds from a sale, after first satisfying the cancellation price. Once the cancellation price is paid any remaining amounts go first to any person, other than the former owner of the land, who has an interest in the land and then finally to the former owner. It is the responsibility of the court to determine the distribution of the proceeds among those entitled to a share.

14. Making a Claim: Subsections 10(3,4) provide that those persons making a claim for the proceeds must apply to the District Court within one year from the time the treasurer pays the remaining proceeds after first removing the cancellation price, into the court.

15. Scale of Costs: Section 15 provides that a municipality may pass a by-law establishing a scale of costs that may be charged for carrying out the procedures under the Act, in lieu of charging the actual costs of the municipality on each individual property that is registered. The scale must be such that it meets only the anticipated costs of the municipality.

16. Transition Period: Section 23 provides for a transition period for those properties where a tax arrears certificate under the Municipal Affairs Act has been registered or where a certificate under section 433 of the Municipal Act has been issued prior to January 1, 1985. Where this occurs the proceeding will continue under the appropriate Act.

If a compromise agreement under the Municipal Affairs Act is entered into on such property, the agreement will continue as long as it remains in force.

Where no tax deed has been issued or a sale or assumption for municipal purposes of a property has not occurred by January 1, 1987, then upon registration of a notice of forfeiture, such properties vest in the name of the municipality.

Additional Amendments not Summarized:

Municipal Affairs Act

repealed
clause 6(b)
20
40-47
49
50
64(2-3)
Forms 1-4

Municipal Act

repealed
397
400
402-405
413-418
420-464
466-472
Form 9

amended
399
401
409
419
491-494
Form 8

Education Act

amended
53(1)
67(1)
67(6-11)
69(3)
69(6)
99(2)
112(2)

Assessment Act

repealed
17(2)

EDUCATION AMENDMENT ACT, 1984

Bill 119

Royal Assent, December 14, S.O. 1984, Chapter 60

Commencement: s.1-16, 20, 24-27 Royal Assent,
s.17-19, 21-23, September 1, 1985

1. **Transfer of Payments:** Subsection 215(9) requires that municipalities pay installments required by a board to the board not later than noon, or have it deposited in the school board's bank account, on the due dates.

2. **Bank Account:** Subsection 215(10) defines bank account as the account kept in a chartered bank of Canada in the board's name and designated by the board for the purposes of section 215.

3. **Business Days:** Subsection 215(11) requires municipalities to pay installments on the first business day before a due date if the board's offices are not open on the due date.

Additional Amendments not Summarized:

subparagraph ii of paragraph 10a of subsection 1(1)	
clause 8(1) (i)	170(1)
8a	clause 182(7) (c)
10(8) (d)	252a
15(7)	258(1-6a, 8)
59(7)	260(a)
59(9)	260(ca)
59(34)	261
113(6), (24-25)	268(1)
126(1)	271
Form 2 of Part IV	272(1)
paragraph 38 of subsection 150(1)	273(1)
158(1), (1b)	277(2-5)
165(3)	277a
	277b

ONTARIO UNCONDITIONAL GRANTS AMENDMENT ACT, 1984

BILL 135

Royal Assent, November 27, S.O. 1984, Chapter 52

Commencement: January 1, 1985

1. **Resource Equalization Grant:** Subsection 9(1) is repealed and replaced to permit the Lieutenant-Governor-in-Council to prescribe the resource equalization grant entitlement for a year, instead of basing the amount of the grant on that of the preceding year, as the grant entitlement that shall be used to calculate the amounts to be apportioned for a district home established under the Homes for the Aged and Rest Homes Act or a district welfare board under the District Welfare Administration Boards Act.

UPDATE SERVICE

AMENDMENTS TO OTHER PUBLIC BILLS ENACTED WHICH ARE
INCLUDED IN THE PUBLICATION, LEGISLATION
FOR ONTARIO MUNICIPALITIES

<u>CHAPTER NO.</u>		<u>BILL NO.</u>
4	<u>Liquor Licence Amendment Act, 1984</u>	11
	clause 1(j), (o)	17
	6	18(3)
	13	39
	15	44(8)
8	<u>Justices of the Peace Amendment Act, 1984</u>	18
	6(4-6)	clause 8(3)(b)
	7(2)	8(4)
	7a	8(5a)
	7b	
16	<u>Ontario Pensioners Property Tax Assistance Act, 1984</u>	37
	7(3)	
	14(3)	
25	<u>Milk Amendment Act, 1984</u>	67
	1 paragraphs 3,5,6,8,	13(4)
	1 paragraphs 7,20,23,24	20(1)65a,65b
	3(4)	20(2)

<u>CHAPTER NO.</u>		<u>BILL NO.</u>
38	<u>Workers' Compensation Amendment Act, 1984</u>	99
	clauses 36(1), (a), (c) (d), (e), (f) 36(6) 43(8) 44 45(1) clause 52(3) (b)	
49	<u>Assessment Amendment Act, 1984</u>	129
	63(1), clause (i), (j), (k) 68 69	
61	<u>Highway Traffic Amendment Act, 1984</u>	136
	26(2) 60(3) 26(2a) 104(1) 44(1), (5), (10-11) 122(7) (b) 44(13), (17), (19) 151(7) 44(23-27) 184(1)	

PUBLIC BILLS ENACTED WHICH SHOULD BE
INCLUDED IN THE PUBLICATION, LEGISLATION
FOR ONTARIO MUNICIPALITIES

<u>CHAPTER</u> <u>NO.</u>		<u>BILL</u> <u>NO.</u>
32	<u>Land Registration Reform Act, 1984</u>	66
57	<u>Public Libraries Act, 1984</u>	93
48	<u>Municipal Tax Sales Act, 1984</u>	102

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